

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ELLSWORTH LARSON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	1:06CV00328
	)	
OLD DOMINION FREIGHT LINE, INC.	)	
EMPLOYEE BENEFIT PLAN, and BENEFIT	)	
MANAGEMENT SERVICES, INC.,	)	
	)	
Defendants.	)	

ORDER

BEATY, Chief Judge.

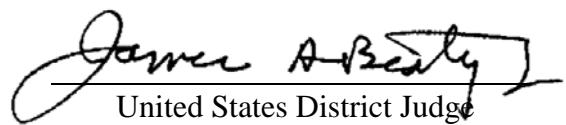
This matter is currently before the Court on cross-motions for summary judgment by Defendants Old Dominion Freight Line, Inc. Employee Benefit Plan (“Old Dominion”) and Benefit Management Services, Inc. (together, “Defendants”) [Document #16] and by Plaintiff Ellsworth Larson (“Plaintiff”) [Document #19]. On February 22, 2007, the United States Magistrate Judge’s Order and Recommendation [Document #27] was filed and notice was served on the parties pursuant to 28 U.S.C. § 636(b) (2006). Plaintiff filed timely Objections [Document #32].

The Court has now reviewed the Objections and the portions of the Recommendation to which objection was made, and has made a *de novo* determination that is in accord with the United States Magistrate Judge’s ruling. The Magistrate Judge’s Recommended Decision is therefore affirmed and adopted.

IT IS THEREFORE ORDERED that Defendants’ Motion for Summary Judgment [Document #16] is GRANTED, Plaintiff’s Motion for Summary Judgment [Document #19] is DENIED, and this case is dismissed with prejudice.

A Judgment consistent with this Order will be entered contemporaneously herewith.

This, the 28<sup>th</sup> day of March, 2007.



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United States District Judge